

A REGULAR MEETING OF THE FAUQUIER COUNTY
BOARD OF SUPERVISORS WAS HELD JANUARY 6, 1998 AT 9:30 A.M. IN
WARRENTON, VIRGINIA

P R E S E N T Mr. David C. Mangum, Chairman; Mr. Larry L. Weeks, Vice
Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr.
James A. Rankin; Mr. G. Robert Lee, County Administrator; Mr.
Paul S. McCulla, County Attorney

Mr. Lee served as Chairman Pro Tem pending election of the Chairman.

ELECTION OF THE CHAIRMAN

Mr. Burton nominated Mr. Mangum as Chairman for 1998. Mr. Rankin
seconded the nomination. With no further nominations, Mr. Mangum was
elected Chairman for 1998 by acclamation.

ELECTION OF THE VICE CHAIRMAN

Mr. Green nominated Mr. Weeks as Vice Chairman for 1998. Mr. Burton
seconded the nomination. With no further nominations, Mr. Weeks was elected
Vice Chairman for 1998 by acclamation.

CITIZENS TIME

No one spoke at Citizens Time.

A RESOLUTION TO ACKNOWLEDGE AND HONOR THE OUTSTANDING ACCOMPLISHMENTS AND CONTRIBUTIONS OF THE HONORABLE JAMES G. BRUMFIELD TO THE CITIZENS OF FAUQUIER COUNTY

Mr. Rankin moved to adopt the following resolution. Mr. Weeks
seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

A RESOLUTION IN MEMORIUM

A RESOLUTION TO ACKNOWLEDGE AND HONOR THE OUTSTANDING ACCOMPLISHMENTS AND CONTRIBUTIONS OF THE HONORABLE JAMES G. BRUMFIELD TO THE CITIZENS OF FAUQUIER COUNTY

WHEREAS, the Honorable James G. Brumfield served with great
distinction as a member of the Fauquier County Board of Supervisors from
January 1992 until his death on December 7, 1997, at age 63; and

WHEREAS, James G. Brumfield, as a member of the Board of

Supervisors, was an unwavering advocate of public education and worked diligently to raise educational funding and to provide for much needed capital improvement projects, including a local campus of Lord Fairfax Community College; and

WHEREAS, as a member of the Board of Supervisors, James G. Brumfield formed the County's first Public Safety Committee and devoted countless hours in support of the Enhanced 911 Emergency Dispatch System and the Public Safety Radio System; and

WHEREAS, James G. Brumfield, during his tenure as Center District Supervisor, sought out the views and opinions of the citizens of Center District and was always accessible to persons with concerns, issues or problems and drew heavily on the advice and counsel of the Center District Advisory Committee and the Center District Transportation Committee; and

WHEREAS, James G. Brumfield's strong commitment to the local community was also evidenced by his long and active participation in the Marshall Ruritan Club, the Warrenton-Fauquier Optimist Club, the Marshall Volunteer Fire Department, and Marshall Volunteer Rescue Squad; and

WHEREAS, James G. Brumfield constantly sought new and additional ways to serve the citizens of Fauquier County and the Commonwealth of Virginia, accepting an appointment by Governor George Allen to the Vint Hill Farms Economic Development Authority in 1996 and serving for the past several years on the Virginia Association of Counties' Education and Public Safety Steering Committees; and

WHEREAS, James G. Brumfield, throughout his life of dedicated and selfless public service, maintained and exhibited the highest ethical and moral standards and sought always for what he felt in his heart to be in the best interest of all citizens present and future; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 6th day of January 1998, That the notable accomplishments and commitment to public service of James G. Brumfield be, and are hereby, acknowledged, honored and committed to memory in the hearts and minds of all citizens of Fauquier County; and, be it

RESOLVED FURTHER, That the Board of Supervisors, on behalf of all citizens of Fauquier County, extends its condolences to the family of James G. Brumfield.

CONSENT AGENDA

Mr. Weeks moved to adopt the following Consent Agenda items. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the December 2, 1997 and December 16, 1997 Regular Meetings and the December 23, 1997 Adjourned Meeting

A Resolution to Authorize Filling Vacant County Funded Positions During the Hiring Freeze

RESOLUTION

A RESOLUTION TO AUTHORIZE FILLING ALL VACANT COUNTY FUNDED POSITIONS DURING A HIRING FREEZE

WHEREAS, on October 21, 1997, the Board of Supervisors approved a hiring freeze for all County funded positions, in an effort to create a dollar savings impact on FY98 and FY99 budgets; and

WHEREAS, the Board of Supervisors established a process for re-filling critical positions by requesting departments to present proper justification and budget implications to the Personnel Committee and the Finance Committee prior to approval of the Board of Supervisors; and

WHEREAS, the County Administrator has reviewed all vacant positions and made appropriate recommendations; and

WHEREAS, the established process was followed with favorable recommendations from both committees for the listed positions:

1 Recreation Coordinator - Parks & Recreation
1 Administrative Assistant - Adult Court Services
2 Firefighters/Paramedics - Office of Emergency Services
(1 resignation; 1 new position)
1 Social Services Program Policy Manager
1 Social Services Aide - Temporary

now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 6th day of January, That these vacancies are approved for filling; and, be it

RESOLVED FURTHER, That the effective date of this approval be January 1, 1998.

FY 1998 Budget Transfers and Supplemental Appropriations

RESOLUTION

A RESOLUTION TO TRANSFER & APPROPRIATE FUNDS

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal,

grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the Department of Social Services has requested that additional State funding in the amount of \$295,219 be appropriated; and

WHEREAS, the Department of Support Services has requested the transfer of \$180,000 from the Consolidated Services prior year fund balance to be used for a surplus property building; and

WHEREAS, proper justification for these actions has been presented to the Finance Committee; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of January 1998, That the sum of \$475,219 be transferred or appropriated, and hereby approved as follows:

FROM Source Code Amount	TO Department Code Amount
State Grant	Social Services
3-100-241000-0050	4-100-53130-5729 \$21,219
\$295,219	4-100-53130-5730 \$157,000
	4-100-53130-5731 \$117,000
	\$295,219
Prior Year Fund Balance	Support Services
3-210-41900-0010	4-210-43413-8200
\$180,000	\$180,000
Total	Total
\$475,219	\$475,219

Preliminary Subdivision - Lake Whippoorwill

No action was taken.

REQUEST FOR WAIVER OF THE TEN-YEAR FAMILY TRANSFER
PROVISION - LAWRENCE JOHN KLECZ

At the December 2, 1997, meeting, Robert M. Miller, representing Lawrence John Klecz, requested the Board of Supervisors consider a waiver of the ten-year family transfer provision. Mr. Klecz is requesting the waiver due to a special family situation that is causing a hardship. Mr. Green moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE THE REQUEST OF LAWRENCE JOHN KLECZ TO REDUCE THE TIME REQUIREMENT OF SECTION 2-39.3.a.3 OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE TO ALLOW HIM TO CONVEY A FAMILY TRANSFER TO A THIRD PARTY NON-FAMILY MEMBER

WHEREAS, the applicant, Lawrence John Klecz, is the record owner of family transfer property consisting of 1.2745 acres in Marshall District, Fauquier County; and

WHEREAS, circumstances have changed such that continuing to own said property and to continue to make the mortgage payments on this property is causing an extraordinary hardship on the applicant; and

WHEREAS, Section 2.39-14 of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer property to a non-family member transferee if the Board of Supervisors finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of January 1998, That the requirement that Lawrence John Klecz hold such family transfer property for a period of ten (10) years be reduced so that the property may be transferred to a non-family member transferee.

EXECUTIVE SESSION

Mr. Green moved to go into executive session pursuant to Virginia Code Section 2.1-344(A) (7) for consultation with legal counsel pertaining to actual or probable litigation. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

Upon reconvening from executive session, Mr. Green moved to adopt the following certification. Mr. Weeks seconded.

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 6th day of January 1998, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or

considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Absent During Meeting: None

REQUEST FOR COMPENSATION DUE TO THE LANDFILL OPERATION -
BRUCE CASNER

At the October 7, 1997, meeting, John L. Marshall, Jr., representing Bruce Casner and Sonya Sanchez, presented a claim for damages to their property due to the landfill operation. Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION DENYING THE CLAIM OF BRUCE CASNER
REQUESTING COMPENSATION FOR ALLEGED DAMAGE TO
REAL PROPERTY OWNED BY HIM AND TO HIS
CONSTITUTIONAL RIGHTS

WHEREAS, on October 7, 1997, Bruce Casner presented a claim to the Board of Supervisors of Fauquier County alleging that real property owned by him and also his constitutional rights had been damaged by reason of certain past and continuing actions taken on behalf of the County of Fauquier in the operation and closure of a sanitary landfill on property located adjacent to property owned by Mr. Casner, a copy of which undated claim is filed in the Office of the Board of Supervisors and made a part of the file dated January 6, 1998; and

WHEREAS, Ellis Bingham, Director of Solid Waste for the County of Fauquier, has filed a report responding to the allegations contained in Mr. Casner's claim, a copy of which report is filed in the Office of the Board of Supervisors and made a part of the file dated January 6, 1998; and

WHEREAS, Bruce Casner has failed to provide substantiated evidence or proof upon which the Board of Supervisors could determine that the alleged actions taken by the County of Fauquier, or any of its employees or agents in the operation and closure of the sanitary landfill located on property adjacent to his property, caused damage to him or his property; and

WHEREAS, Bruce Casner has failed to provide any accounting or evidence upon which the Board of Supervisors could determine the value of his real property and the amount of the damage to his real property or his constitutional rights, if any, caused by the alleged actions of the County of Fauquier and its employees or agents; now, therefore, be it

RESOLVED, this 6th day of January, 1998, by the Board of Supervisors of Fauquier County, That the claim of Bruce Casner requesting compensation for alleged damage to real property owned by him and to his constitutional rights be, and is hereby, denied.

A RESOLUTION AUTHORIZING EXECUTION OF A SUBLEASE OF A PORTION OF VINT HILL FARMS FROM THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY FOR PARKS AND RECREATION PURPOSES

Mr. Weeks moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF A SUBLEASE OF A PORTION OF THE VINT HILL FARMS STATION FROM THE VINT HILL FARMS ECONOMIC DEVELOPMENT AUTHORITY FOR PARKS AND RECREATION PURPOSES

WHEREAS, the Fauquier County Department of Parks and Recreation desires to use facilities located on Vint Hill; and

WHEREAS, the Economic Development Authority has prepared a sublease permitting the use of portions of the facility for parks and recreation purposes; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 6th day of January, 1998, That the County Administrator be, and is hereby, authorized to execute a sublease with the Vint Hill Farms Economic Development Authority for Parks and Recreation purposes, a copy of which sublease is filed in the Office of the County Administrator.

A RESOLUTION SUPPORTING A REQUEST OF THE GENERAL ASSEMBLY AND THE GOVERNOR OF VIRGINIA FOR THE DESIGNATION OF AN ENTERPRISE ZONE WITHIN CAROLINE COUNTY

Mr. Mangum moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION SUPPORTING A REQUEST OF THE GENERAL

ASSEMBLY AND THE GOVERNOR OF VIRGINIA FOR THE
DESIGNATION OF AN ENTERPRISE ZONE WITHIN CAROLINE COUNTY

WHEREAS, the Virginia General Assembly established the Virginia Enterprise Zone Program in 1982; and

WHEREAS, the Virginia Enterprise Zone Act of 1995 authorized the creation of 50 enterprise zones throughout the Commonwealth; and

WHEREAS, the establishment of an enterprise zone provides regulatory flexibility and tax incentives for businesses locating within the zones; and

WHEREAS, enterprise zones have proven to be a valuable recruitment tool for localities competing for economic development prospects; and

WHEREAS, by resolution dated the 23rd day of September 1997, Caroline County requested the support of the General Assembly and the Governor for the creation of additional enterprise zones in the Commonwealth and the designation of an enterprise zone within Caroline County; and

WHEREAS, based on enterprise zone qualifications criteria, it appears Caroline County would qualify for an enterprise zone designation due to high unemployment rates and distressed economic conditions and without this designation would be placed at a distinct competitive disadvantage for economic development projects; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of January 1998, That the Board of Supervisors does hereby support a request of the General Assembly and the Governor of Virginia for the designation of an enterprise zone within Caroline County.

BOARD OF SUPERVISORS COMMITTEE ASSIGNMENTS

Mr. Mangum made the following Board of Supervisors Committee assignments:

1998 Committee Assignments

*Finance Committee	2 members	Mr. Weeks & Mr. Mangum
*Personnel Committee	2 members	Mr. Green & Mr. Rankin
*Public Safety Committee	2 members	Mr. Burton & Mr. Rankin
CIP Committee	1 member	Mr. Mangum
Airport Committee	2 members	Mr. Burton & Mr. Mangum
Warrenton Liaison Committee	2 members	Mr. Mangum & Mr. Rankin
Remington Liaison Committee	1 member	Mr. Mangum
Johnson Grass Committee	1 member	Mr. Burton
Agricultural & Forestal District		
Advisory Committee	1 member	Mr. Green
Auburn Dam Committee	1 member	Mr. Burton
Armory Board	1 member	Mr. Green
Joint Dispatch Center Board		
of Directors	1 member	Mr. Rankin
Team Tourism	1 member	Mr. Rankin
Rappahannock-Rapidan Planning		
District Commission	1 member	Mr. Mangum
Affordable Housing Committee	1 member	Mr. Mangum

VDOT Route 29 Corridor Committee	1 member	Mr. Mangum
Consolidated Services Committee	2 members	Mr. Weeks & Mr. Rankin
Rural Plan Committee	2 members	Mr. Burton & Mr. Green
Disability Services Board	1 member	Mr. Weeks
Transportation Committee	1 member	Mr. Mangum
Agricultural Advisory Committee	1 member	Mr. Burton
Ordinance and Regulation Advisory Committee	1 member	Mr. Mangum
Rappahannock River Basin Study Commission	1 member	Mr. Green (Mr. Burton is alternate)
Radio Study Committee	2 member	Mr. Weeks & Mr. Rankin

*Standing Board of Supervisors committees

SUPERVISORS TIME

Mr. Burton asked that a work session be scheduled for the January 20, 1998 Board of Supervisors meeting for a discussion about Didlake/Community Services Board transportation.

Mr. Burton said that the agricultural community was disturbed about the Open Burning Ordinance. He requested that a work session be held to review a re-write of the Ordinance as it deals with agricultural burning. The Board agreed to discuss this at a January 20, 1998 work session.

Mr. Burton complimented the renovations of the Warren Green Meeting Room

Mr. Green welcomed Mr. Rankin back as a member of the Board of Supervisors.

Mr. Green informed the Board that he had talked to Jim Rich, a member of the Commonwealth Transportation Board, about the truck traffic on Route 17.

Mr. Rankin thanked the Board of Supervisors for appointing him to serve in the interim position representing Center District.

Mr. Rankin said that he would like to see a safer crossover at the Route 29 intersection near the Lord Fairfax Community College.

Mr. Mangum announced that the Board would be meeting with State Legislators at 10:30 a.m. in the 4th floor conference room and that the session would be followed by lunch at Airlie with the Chamber of Commerce.

With no further business, the meeting was adjourned.